

1 KIMBALL JONES, ESQ.
Nevada Bar No.: 12982
2 **BIGHORN LAW**
3675 W. Cheyenne Ave., Suite 100
3 North Las Vegas, Nevada 89032
4 Phone: (702) 333-1111
Email: kimball@bighornlaw.com
5 *Attorneys for Plaintiffs*

6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

8
9 BABYSTACKS CAFÉ, LLC, a Domestic Limited
Liability Company; REBEL KITCHEN INC. dba
10 MANIZZA’S PIZZA, a Foreign Limited Liability
Company; TIMELESS CUISINE, LLC dba
11 ESTHER’S KITCHEN, a Domestic Limited
Liability Company; GAETANO'S HOSPITALITY
12 GROUP, LLC dba GAETANO'S RISTORANTE, a
Domestic Limited Liability Company; MUNCH-A-
13 SUB LLC, a Domestic Limited Liability Company,
and on behalf of the Class of similarly situated
14 individuals,

15
16 Plaintiffs,

17 vs.

18 UBER TECHNOLOGIES, INC., a Foreign
19 Corporation; RASIER, LLC, a Foreign Limited
Liability Company; BERCHMANN MELANCON,
20 an individual; NICK “DOE”, an individual;
KARINA “DOE”, an individual; DOE CEO, I
21 through X; DOE SALES REPRESENTATIVE, I
through X; DOE MANAGER, I through X; DOE
22 DRIVER, I through X; DOE EMPLOYEE, I
through X; DOES I through X; ROE
23 CORPORATIONS, XI through XX; and ROE
24 ENTITIES, XI through XX, inclusive,

25 Defendants.

CASE NO.: 2:24-cv-01098-JCM-MDC

STIPULATION AND PROPOSED
ORDER TO EXTEND TIME TO
RESPOND TO DEFENDANTS’
MOTION TO DISMISS
PLAINTIFFS’ SECOND AMENDED
COMPLAINT

(FIRST REQUEST)

26 Plaintiffs BABYSTACKS CAFÉ, LLC, a Domestic Limited Liability Company; REBEL
27 KITCHEN INC. dba MANIZZA’S PIZZA, a Foreign Limited Liability Company; TIMELESS
28

1 CUISINE, LLC dba ESTHER'S KITCHEN, a Domestic Limited Liability Company;
2 GAETANO'S HOSPITALITY GROUP, LLC dba GAETANO'S RISTORANTE, a Domestic
3 Limited Liability Company; MUNCH-A-SUB LLC, a Domestic Limited Liability Company, and
4 on behalf of the Class of similarly situated individuals, (hereinafter "Plaintiffs") by and through
5 their counsel of record, KIMBALL JONES, ESQ., with BIGHORN LAW, and DEFENDANTS
6 UBER TECHNOLOGIES, INC. RASIER, LLC and BERCHMANN MELANCON (hereinafter
7 "Defendants"), by and through their counsel of record, of the law firm BROWNSTEIN HYATT
8 FARBER SCHRECK, LLP, and the law firm JENNER & BLOCK LLP, and hereby stipulate,
9 contingent on this Court's approval, as follows:
10

- 11 1. On June 20, 2025, Plaintiffs filed their Second Amended Complaint. ECF 40.
- 12 2. On July 21, 2025, Defendants filed their Motion to Dismiss Plaintiffs' Second
13 Amended Complaint.
- 14 3. The current date for Plaintiff to respond to the Motion is August 4, 2025.
- 15 4. Pursuant to LR IA 6-1(a), the Parties stipulate and agree that Plaintiff shall have
16 an additional 21 days, up to and including August 25, 2025, to respond to the
17 Motion to Dismiss Plaintiffs' Second Amended Complaint. Defendants shall have
18 an additional 14 days, up to and including September 15, 2025, for their Response
19 to Plaintiffs' Opposition.
- 20 5. There is a strong public policy in the Ninth Circuit of deciding cases on the merits,
21 rather than technicalities. *See* U.S. v. Signed Personal Check No. 730 of Yubran
22 S. Mesle, 615 F.3d 1085, 1091 (9th Cir. 2010).

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BIGHORN LAW

Attorneys for Plaintiffs

BROWNSTEIN HYATT FARBER SCHRECK, LLP

Attorneys for Defendants Uber Technologies, Inc.; Rasier, LLC; and Berchmann Melancon


RICHARD F. BOULWARE, II
UNITED STATES DISTRICT JUDGE

Page 3 of 3



Amy Cvetovich <amy@bighornlaw.com>

Re: [External] RE: Babystacks, et al. v. Uber, et al.

1 message

Jaffre, Remi J.D. <RJaffre@jenner.com>

Fri, Aug 1, 2025 at 3:16 PM

To: Amy Cvetovich <amy@bighornlaw.com>

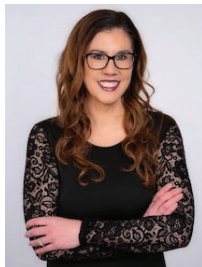
Cc: "Spelman, Kate T." <KSpelman@jenner.com>, "Kimball Jones, Esq." <kimball@bighornlaw.com>, Emily Grable <emily.grable@bighornlaw.com>

Thanks, Amy, this looks good to file.

From: Amy Cvetovich <amy@bighornlaw.com>**Sent:** Friday, August 1, 2025 5:40:00 PM**To:** Jaffre, Remi J.D. <RJaffre@jenner.com>**Cc:** Spelman, Kate T. <KSpelman@jenner.com>; Kimball Jones, Esq. <kimball@bighornlaw.com>; Emily Grable <emily.grable@bighornlaw.com>**Subject:** Re: [External] RE: Babystacks, et al. v. Uber, et al.**External Email - Do Not Click Links or Attachments Unless You Know They Are Safe**

Hi Remi,

Please see attached Stipulation and let me know if I may affix your e-signature. Thanks again!

**Amy Cvetovich**
Lead Litigation Manager

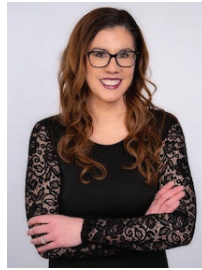
Tel: 702-333-1111 Ext. 161

Email: amy@bighornlaw.comWeb: bighornlaw.com

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On Fri, Aug 1, 2025 at 2:36 PM Amy Cvetovich <amy@bighornlaw.com> wrote:

Yes, of course! Thank you! I will send the Stip over in just a few minutes.



Amy Cvetovich
Lead Litigation Manager

Tel: 702-333-1111 Ext. 161
Email: amy@bighornlaw.com
Web: bighornlaw.com



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On Fri, Aug 1, 2025 at 9:37 AM Jaffre, Remi J.D. <RJaffre@jenner.com> wrote:

Hi Amy,

We will agree to your proposal, as long as the stipulation also extends our time to file a reply brief by two weeks (putting our respective deadlines at August 25 and September 15). Please let me know if that works.

Relately, I want to reiterate that we are prepared to make a modest payment to settle this matter—but it would have to be much closer to our latest offer than your latest counterproposal. I will connect with Kimball separately about that.

Thanks,

Rémi

Rémi J.D. Jaffré

Jenner & Block LLP
1155 Avenue of the Americas
New York, NY 10036-2711 | jenner.com
+1 212 303 2536 | Tel
+1 312 859 1921 | Mobile
Pronouns : He / Him
RJaffre@jenner.com
[Download V-Card](#) | [View Biography](#)

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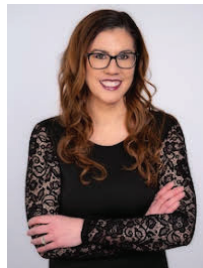
From: Amy Cvetovich <amy@bighornlaw.com>
Sent: Friday, August 1, 2025 11:55 AM
To: Jaffre, Remi J.D. <RJaffre@jenner.com>; Spelman, Kate T. <KSpelman@jenner.com>
Cc: Kimball Jones, Esq. <kimball@bighornlaw.com>; Emily Grable <emily.grable@bighornlaw.com>
Subject: Babystacks, et al. v. Uber, et al.

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Good Morning Remi,

I hope you're doing well and having a great week so far!

We have our Opposition to your Motion to Dismiss due on Monday. Kimball is in trial in California currently. May we please have a three week extension for our opposition, making it due August 25th? If approved, I'll send a Stipulation over. Thanks!



Amy Cvetovich

Lead Litigation Manager

Tel: 702-333-1111 Ext. 161

Email: amy@bighornlaw.com

Web: bighornlaw.com



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